

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 11, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KIMBERLY M.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:24-CV-3089-RMP

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 11. Plaintiff Kimberly M.¹ is represented by attorney Cory J. Brandt. The Commissioner of Social Security is represented by Special Assistant United States Attorney Erin F. Highland.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 11**, is **GRANTED**. Plaintiff's Opening Brief, **ECF No. 9**, is **DENIED AS MOOT**.

¹ The Court uses Plaintiff's first name and last initial to protect her privacy.

Pursuant to the parties' stipulation, the Commissioner's final decision is **reversed and remanded** under sentence four of 42 U.S.C. §405(g). *See* ECF No. 11 at 1–2. On remand, the Appeals Council will refer the case to an Administrative Law Judge (“ALJ”) with instructions to:

- Reevaluate the medical opinions under 20 C.F.R. § 416.920c utilizing the “supportability” and “consistency” factors, as defined in 20 C.F.R. § 416.920c(c)(1)-(2);
- Continue with the sequential evaluation process and reevaluate the claimant's Residual Functional Capacity; and
- Offer the claimant the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.

See id.

Upon proper presentation, this Court will consider Plaintiff's application for attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order, provide copies to counsel, enter judgment in favor of Plaintiff, and **close the file.**

DATED October 11, 2024.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Senior United States District Judge